



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 9 1997

Memorandum

To: Solicitor
Acting Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary for Indian Affairs
Assistant Secretary for Water & Science

From: Secretary *David M. Hayes*

Subject: The Endangered Species Act and Indian Water Rights

Recent discussions about the relationship between the Endangered Species Act and tribal rights have led to suggestions that it would be appropriate to look at implementation of the ESA in relation to the exercise of Indian water rights in the West, using the upper Colorado River Basin as a case study.

To that end, I am asking the Solicitor to put together a four-person working group, to be chaired by Regional Solicitor Tim Vollmann in Albuquerque, to examine this issue. The other members of the group should include one knowledgeable person from each of the following sectors: Water & Science/Reclamation; Indian Affairs/BIA; and Fish, Wildlife & Parks/FWS.

Please let the Solicitor know within two weeks of this memorandum who your designee is.

The working group should evaluate the process and criteria for the development of environmental baselines pursuant to section 7 of the Act and existing regulations. After full consultation with affected tribes and after consulting such other interests as may be appropriate, the group should report its recommendations to me within one year.

cc: Chief of Staff
Assistant Secretary for Land & Minerals Management
Commissioner, Bureau of Reclamation
Acting Director, Fish and Wildlife Service
Acting Director, National Park Service
Regional Solicitor Vollmann
Counselor to the Secretary David Hayes